

REMARKS

Claims 1-8 are pending and under consideration. Claim 9 is cancelled herein, without prejudice or disclaimer. This amendment is believed to place the application in condition for allowance, and entry thereof is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding. Further reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments. The Applicants, however, are disappointed that their arguments were not found to be persuasive. Further reconsideration is thus requested in view of the following remarks.

In particular, the final Office Action asserts at page 6, in the section labeled 16, that:

Hehl does teach that the stationary mold carrier (item 12 – figure 1) can be mounted on component 10b of the machine base; however, Hehl also states that there are fastening means (item 22 – figure 1) for the one component of the base frame with the stationary mold carrier and another set of fastening means (item 15 – figure 1) for the other component of the base frame and the stationary mold carrier through the intermediary fastening means (item 23 – figure 1; column 3, lines 13-16). Furthermore, Hehl states that the *connecting means* is consequently the stationary mold carrier, “it only having to be ensured that the two components of the machine base terminate, or respectively lie, at least within the vertical projection of the foot, or respectively, the feet of the stationary mold carrier” (column 3, lines 28-33). Thus, the two components of the machine frame can support the stationary mold carrier, whether partially or wholly.

This is submitted to be incorrect. There is no teaching or suggestion in Hehl of the stationary mold carrier 12 being supported, even partially, by any other component than component 10b of the machine base. First of all, the passage in Hehl at column 3, lines 28-33 to which the final Office Action refers only describes a requirement for the two components of the machine base to terminate, or respectively lie, at least within the vertical *projection* of the foot, or respectively, the feet of the stationary mold carrier. Nothing is said in Hehl about component 10a supporting the stationary mold carrier 12 or feet 12a at all, contrary to the assertion in the final Office Action. Lying within the vertical projection of the foot, rather, means only that component 10a is directly *undereath* the foot, not that component 10a carries any of the *weight* of stationary mold carrier 12. One can lie within a vertical projection of a ceiling, for example, without being required to provide any support for the ceiling at all.

Hehl, in fact, does not *want* component 10a to provide any support for stationary mold carrier 12, let alone feet 12a, because it would interfere with the alignment of component 10a relative to component 10b. Hehl, rather, designed component 10a to rotate around the fulcrum formed by axis S-S through molding machine unit S, shown in Fig. 1, so that it can be leveled easily. In particular, as described at column 2, lines 64-67, continuing at column 3, lines 1 and 2:

Through the connection made in the transition region between the two components 10a, 10b of the machine base 10, via the stationary mold carrier, which itself is configured relatively rigidly, a so-called fulcrum is created, around which the components of the machine base can be aligned substantially independently of one another.

Since Hehl wants components 10a and 10b to be able to be aligned substantially *independently* of one another around a fulcrum formed by the stationary mold carrier, Hehl does not *want* stationary mold carrier 12, which is connected to component 10b, to put any weight on component 10a.

Hehl, furthermore, designed component 10a to rotate around a pivotal axis relative to stationary mold carrier and component 10b so that it can be leveled easily. In particular, as described at column 3, lines 7-13:

A restriction to only two centering elements in each case has the advantage that two points determine one straight line, which means that, in conjunction with the stationary mold carrier, consequently, there is a "pivotal axis" for the easier leveling of the two machine bases relative one to the other.

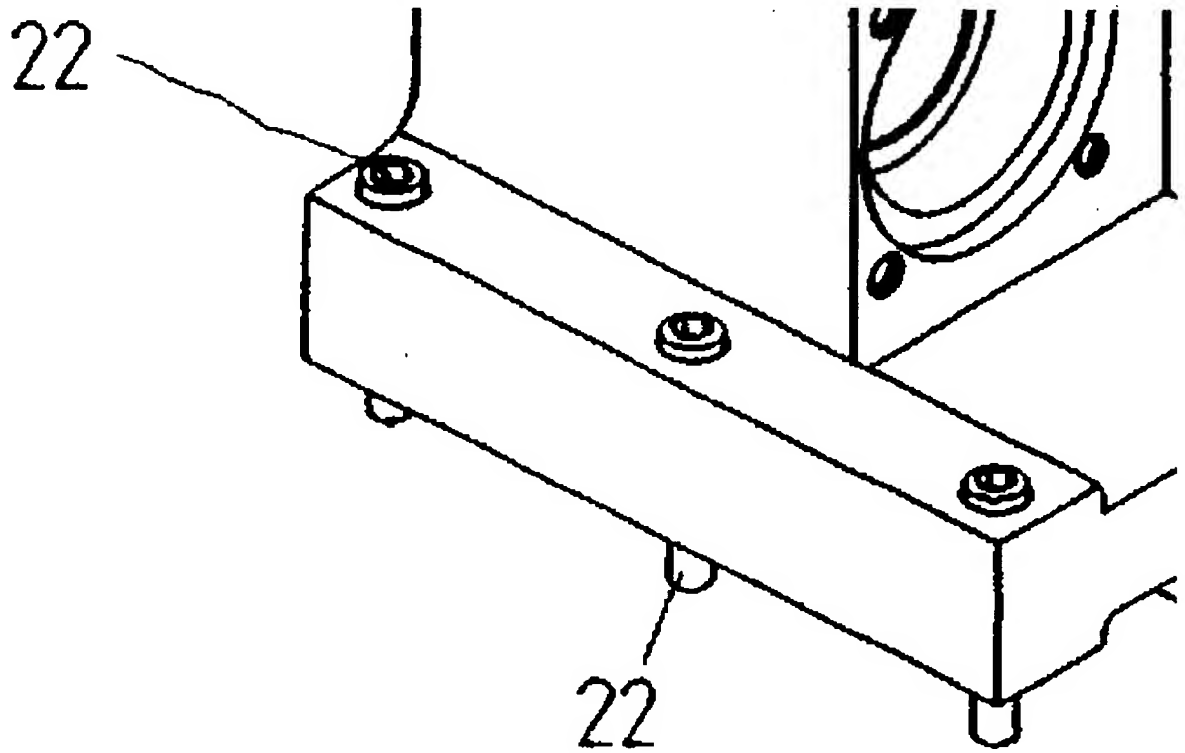
Since Hehl wants component 10a to rotate around a pivotal axis relative to stationary mold carrier and component 10b, Hehl does not *want* stationary mold carrier 12, which is connected to component 10b, to put any weight on component 10a.

Furthermore, in Hehl, both components are mutually supported in the region of the stationary mold carrier 12 on the feet 19 of the other component 10b. In particular, as described at column 3, lines 46-51:

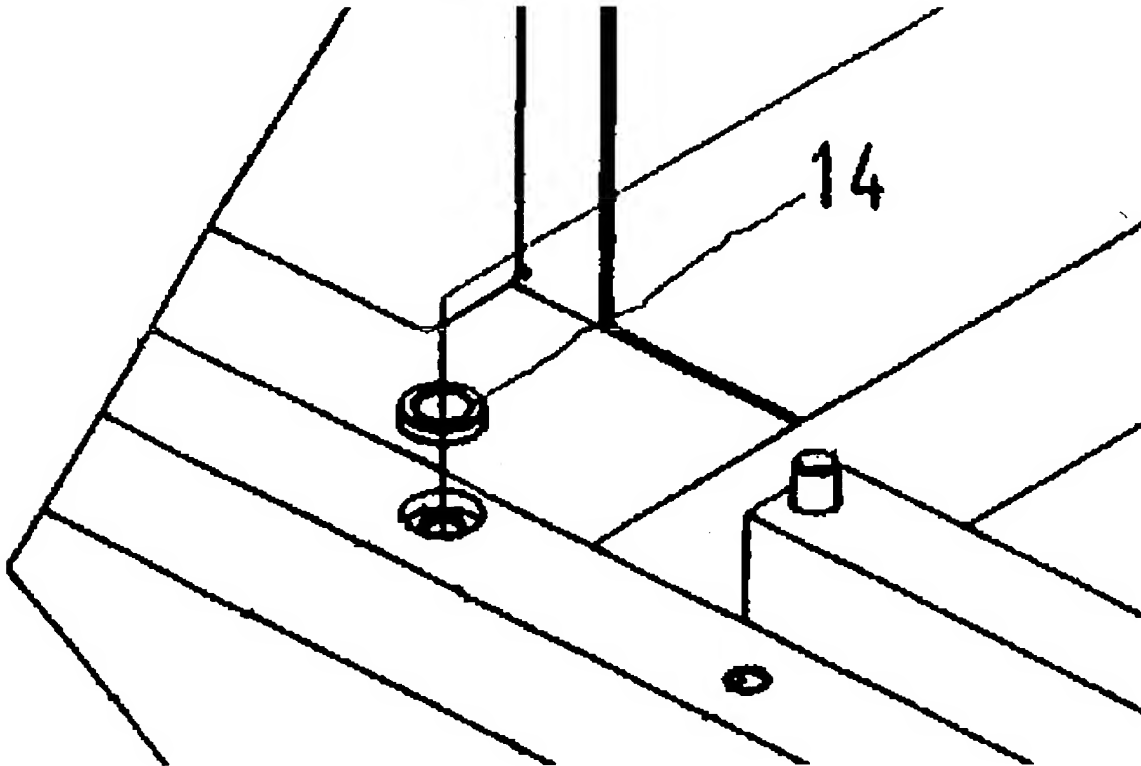
As can be seen in FIGS. 1 and 2, the one component 10a is connected with the other component 10b indirectly via the stationary mold carrier 12 in such a manner that the two components are mutually supported in the region of the stationary mold carrier 12 on the feet 19 of the other component 10b.

Thus, in Hehl, if component 10a sees any of the weight of stationary mold carrier 12 at all it simply transfers it to the feet 19 of the other component 10b, rather than supporting it. Component 10b thus ends up supporting *all* of the weight of stationary mold carrier 12, contrary to the assertion in the final Office Action.

Finally, fastening means 22 may be seen in the detail of Fig. 3 shown below to be locator pins, meant to align one base relative to the other, not transfer load from one base to the other:



Similarly, centering elements 14 may be seen in the detail of Fig. 3 shown below to be bushings, meant to receive locator pins so one base can be aligned relative to the other, not transfer load from one base to the other:



Since, therefore, the two components of the machine frame do *not* support the stationary mold carrier, either partially or wholly, contrary to the assertion in the final Office Action, further reconsideration of the rejection is requested.

Claims 4 and 6:

The final Office Action also asserts at page 8, also in the section labeled 16, that:

Applicant argues that to place the drive unit of Nash onto the machine base of Hehl will result in a split drive unit that will have to be leveled; however, the drive unit of Nash *is* positioned on the same base as the fixed platen (item 23 – figure 1) and if configured with the Hehl machine base, the drive unit is then part of component 10b and need not be split between the components of the machine base.

The final Office Action is submitted have mis-characterized the Applicants' argument. The Applicants did not argue that the drive unit of Nash would have to be split. Rather, the Applicants argued that the return conduit 25 for hydraulic fluid would have to be split between the components of base 10 of Hehl, in order to modify Hehl as proposed in the final Office

Action. It is important to note that the integral conduit for hydraulic fluid is *the* purpose of the invention of Nash.

The final Office Action goes on to assert at page 8, also in the section labeled 16, that:

Furthermore, if flexible hydraulic hose and the use of bolt flanges are used as taught by Nash (column 1, lines 60-61; column 3, lines 55-56) to minimize the number of hydraulic return lines/fittings and to secure the drive unit to the base, then leaking and leveling concerns are reduced.

Here, again, the fact that the final Office Action is focusing on the drive unit of Nash, rather than the return conduit 25, has led the final Office Action to mis-apprehend the problem with combining Hehl and Nash. If a return conduit for hydraulic fluid were a hydraulic hose, it would not be an integral return conduit. Conversely, a return conduit for hydraulic fluid that is integral to a base could not be a hydraulic hose.

Finally, the final Office Action asserts at page 8, also in the section labeled 16, that:

In addition, though Applicant argues the issues brought by utilizing the hydraulic unit of Nash, the hydraulic unit still addresses the motivation to combine the drive unit with the base of Hehl which is to move and clamp shut the moving platen (column 2, lines 55-56) as taught by Nash.

Persons of ordinary skill in the art read references for all they contain. Thus, a person of ordinary skill in the art who read, e.g. Hehl or Nash at the time the invention was made would not have read only those passages which would tend to produce the claimed combination, and neglect the rest. How could they? Persons of ordinary skill in the art at the time the invention was made would have had no idea they were supposed to arrive at the claimed combination, even if, for some reason, they had wanted to. It is submitted, therefore, that it is error for the final Office Action to read passages of the references that support the combination in isolation as well. Hence, the Applicants request respectfully that the final Office Action reconsider the very real problems associated with modifying Hehl as proposed in the final Office Action that are discussed in Nash.

Claim 5:

The final Office Action asserts at page 8, also in the section labeled 16, that:

With respect to claim 5, applicant argues that the Looije, et al. reference cannot be combined with the Hehl reference due to the difficulty in leveling two components of the machine base; however, the key feature of the Looije reference is the *use of linear bearing to movably support the movable platen.*

The linear bearings of Looije, however, would do nothing to help overcome the problems associated with misalignment of a machine base. In particular, as noted adroitly in the final Office Action at page 9, line 2, "Looije, et al. is concerned with misalignment of the mold carriers not the machine base."

The final Office Action goes on to assert at page 9, also in the section labeled 16, that:

Applicant further argues that regarding the Looije, et al. reference for all it contains would deter one of ordinary skill in the art to combine the two; however, the Examiner is not citing the entire patent; but only the use of the linear bearings to support the movable platen and allow the platen support to move in operation.

Here, again, persons of ordinary skill in the art read references for *all* they contain, i.e. they read the entire patent, not just those passages necessary to produce the claimed combination. Thus, by citing only those parts of a reference that produce the claimed combination, the final Office Action is submitted to be mis-representing the references. It is submitted, therefore, that it is error for the final Office Action to read passages of the references that support the combination in isolation, neglecting the rest. Hence, the Applicants request respectfully that the final Office Action reconsider the very real problems associated with modifying Hehl as proposed in the final Office Action.

Claim Rejections - 35 U.S.C. § 102:

Claims 1, 2, 3, 7, and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Hehl, US 6,666,674 (hereinafter "Hehl"). The rejection is traversed.

Claim 1 recites:

A second base frame supporting a second mass different from said first mass, said second mass including said movable platen.

Hehl neither teaches, discloses, nor suggests "a second base frame supporting a second mass different from said first mass, said second mass including said movable platen," as recited in claim 1. The statement in the final Office Action at page 3 to the effect that "(t)he injection unit comprising of the movable mold carrier and the stationary mold carrier are disposed on the base component 10a," is therefore submitted to be incorrect.

Although the movable mold carrier and the stationary mold carrier of Hehl are both disposed on the same base component, the base component upon which they are disposed is other component 10b, not one component 10a, as may be seen clearly in Fig. 1. Movable mold carrier 11 isn't anywhere near one component 10a, actually. This is to be contrasted with claim

1, which recites, "a second base frame supporting a second mass different from said first mass, said second mass including said movable platen."

Furthermore, in Hehl, as noted immediately after the above-mentioned statement at page 3 of the final Office Action, "however, in a preferred embodiment, the stationary mold carrier can be mounted on the other base component 10b (column 2, lines 45-49)." The literal statement to which the final Office Action refers appears at column 2, lines 47-49:

In the exemplified embodiment, the stationary mold carrier 12 can be mounted on the other component 10b of the machine base.

Here, Hehl is not describing an *alternative* embodiment in which stationary mold carrier can be mounted on the other base component 10b, contrary to the implication in the final Office Action. Hehl, rather, is describing the *exemplified* embodiment, i.e. that shown in Fig. 1, in which other component 10b may be seen to support both movable mold carrier 11 and stationary mold carrier 12. Hehl simply reiterates the fact that stationary mold carrier 12 is mounted on other component 10b, which is also where movable mold carrier 11 is mounted, as shown in Fig. 1. Other component 10b is where movable mold carrier 11 and stationary mold carrier 12 are always supported. This is to be contrasted with claim 1, which recites, "a second base frame supporting a second mass different from said first mass, said second mass including said movable platen."

Furthermore, as described in Hehl at column 2, lines 44-47:

The injection molding unit is disposed above the one component 10a, whilst the mold closing unit is disposed above the other component 10b.

Thus, in Hehl, the *same* half of base 10, i.e. other component 10b, supports the *entire* mold closing unit F, i.e. both mold carrier 11 and stationary mold carrier 12. This is to be contrasted with claim 1, which recites, "a second base frame supporting a second mass different from said first mass, said second mass including said movable platen."

Furthermore, as described at column 3, lines 34-36:

As can be seen in FIGS. 2 and 3, the one component 10a supporting the injection molding unit S is narrower than the other component 10b supporting the mold closing unit F.

Thus, in Hehl, the other component 10b supports the entire mold closing unit F, including both stationary mold carrier 12 movable mold carrier 11, as shown in Fig. 1. This is to be contrasted with claim 1, which recites "a second base frame supporting a second mass different from said first mass, said second mass including said movable platen."

Finally, as described at column 5, lines 1 and 2:

A mold closing unit, which is disposed on the second component of the machine base.

Thus, in Hehl, the entire mold closing unit is disposed on the second component of the machine base. This is to be contrasted with claim 1, which recites "a second base frame supporting a second mass different from said first mass, said second mass including said movable platen." Claim 1 is thus submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2, 3, and 7 depend from claim 1 and add further distinguishing elements. Claims 2, 3, and 7 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, and 7 is also earnestly solicited.

Claim 8:

Claim 8 recites:

A first base frame supporting said stationary platen and a second base frame supporting said movable platen.

Hehl neither teaches, discloses, nor suggests "a first base frame supporting said stationary platen and a second base frame supporting said movable platen," as discussed above with respect to the rejection of claim 1. Claim 8 is thus submitted to be allowable as well for at least those reasons discussed above with respect to the rejection of claim 8. Withdrawal of the rejection of claim 8 is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 4 and 6 were rejected under 35 U.S.C. § 103 as being unpatentable over Hehl in view of Nash et al. US 4,099,905 (hereinafter "Nash"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 4 and 6 depend from claim 1 and add further distinguishing elements. Hehl neither teaches, discloses, nor suggests "a second base frame supporting a second mass different from said first mass, said second mass including said movable platen," as discussed above with respect to the rejection of claim 1. Nash does not either, and thus cannot make up for the deficiencies of Hehl with respect to claim 4 and 6.

Furthermore, as the final Office Action acknowledged graciously at page 4, Hehl teaches no rear platen, as recited in claim 4. The final Office Action seeks to make up for this deficiency of Hehl by combining Hehl with Nash. Since, however:

"It is insufficient that the prior art [discloses] the components . . . either separately or used in other combinations; there must be some teaching, suggestion, or incentive to make the combination made by the inventor." *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990), *cert. denied*, 498 U.S. 920 (1990).

"When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references." *In re Rouffet*, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998); see also M.P.E.P. § 2143.01. Virtually all inventions are combinations of old elements. See *In re Rouffet*, 47 USPQ2d at 1457.

If identification of each claimed element in the prior art were sufficient to negate patentability, the final Office Action could use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. See *Id.* To prevent the use of hindsight based on the teachings of the patent application, the final Office Action must show a motivation to combine the references in the manner suggested. See *Id.* at 1457-1458. The combination of Hehl and Nash, therefore, is submitted to be without basis.

Nash, in particular, provides a return conduit 25 for hydraulic fluid as an integral part of the machine base, as described at column 1, lines 10-14 and shown in Fig. 2. It is important to note that the integral conduit for hydraulic fluid is the purpose of the invention of Nash.

In order to combine Hehl with Nash, therefore, the return conduit 25 of Nash, which is the object of his invention, would have to be separated into halves and distributed between the separate halves of the base of Hehl. Hehl actually teaches away from the combination proposed in the final Office Action at column 1, lines 20-23 when he notes the difficulties inherent in leveling components disposed beneath the mold closing unit and injection molding unit relative to one another, coupled with the negative effects on the quality of the injection molded parts if they are not aligned.

Since the separate halves of the return conduit 25 of Nash would necessarily be disposed beneath the mold closing unit and injection molding unit of Hehl, they would need to be leveled relative to one another. If the separate sections of the return conduit were misaligned, they would leak. Thus, combining the separate halves of the base of Hehl with the integral return conduit of Nash would incur exactly those difficulties inherent in leveling components disposed beneath the mold closing unit and injection molding unit relative to one another that are noted by Hehl.

It is submitted therefore that persons of ordinary skill in the art who read Hehl for all it contained at the time the invention was made would have been deterred from combining Hehl with Nash, as proposed in the final Office Action, since to do so would have exacerbated the problem Hehl sought to ameliorate, to wit: the difficulties inherent in leveling these components relative to one another. Adding half of a return hydraulic line to each positionable component 10a and 10b of base 10 of Hehl would simply have made the problem of leveling these components relative to one another worse, by adding one more pair of components to align. Claim 4 is submitted to be allowable. Withdrawal of the rejection of claim 4 is earnestly solicited.

Claim 6:

The final Office Action acknowledges further at page 4 that Hehl shows no drive section mounted such that the first mass mounted on the first base frame includes the drive section, as recited in claim 6. The final Office Action seeks to make up for this deficiency of Hehl as well by combining Hehl with Nash.

Hehl, however, teaches away from such a combination as discussed above with respect to the rejection of claim 4. It is submitted therefore that persons of ordinary skill in the art who read Hehl for all it contained at the time the invention was made would have been deterred from combining Hehl with Nash, as proposed in the final Office Action, for at least those reasons discussed above with respect to the rejection of claim 4. Claim 6 is submitted to be allowable as well. Withdrawal of the rejection of claim 6 is earnestly solicited.

Claim 5:

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over Hehl in view of Looije et al. US 6,155,811 (hereinafter "Looije"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

Claim 5 depends from claim 1 and add further distinguishing elements. Hehl neither teaches, discloses, nor suggests "a second base frame supporting a second mass different from said first mass, said second mass including said movable platen," as discussed above with respect to the rejection of claim 1. Looije does not either, and thus cannot make up for the deficiencies of Hehl with respect to claim 5.

Furthermore, as the final Office Action acknowledged graciously at page 5, Hehl teaches no platen support movably supporting a movable platen on a second base frame, as recited in claim 5. The final Office Action seeks to make up for this deficiency of Hehl by combining Hehl with Looije. Hehl, however, teaches away from such a combination at column 1, lines 20-23

where he notes the difficulties inherent in leveling components disposed beneath the mold closing unit and injection molding unit relative to one another, coupled with the negative effects on the quality of the injection molded parts if they are not aligned.

Hehl, furthermore, describes with opprobrium the difficulties inherent in leveling two independent components of a machine base relative to one another at column 1, lines 17-19, since it will result in "certain assembly expenditure." Leveling two independent components of a machine base relative to one another, however, is exactly the problem with which Hehl is attempting to cope. It is submitted therefore that persons of ordinary skill in the art who read Hehl for all it contained at the time the invention was made would have been deterred from combining Hehl with Looije, as proposed in the final Office Action, since to do so would have run counter to the clear warning about the difficulties inherent in leveling two independent components of a machine base relative to one another in Hehl. Claim 5 is submitted to be allowable. Withdrawal of the rejection of claim 5 is earnestly solicited.

Conclusion:

It is submitted that the references cited in the final Office Action, taken individually or in combination, do not reach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-8 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date:

02 MAR 06

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